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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,573	02/09/2004	Tsutomu Kojima	P21-164404M/ISI	3561
21254	7590	10/11/2005	EXAMINER	
MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC 8321 OLD COURTHOUSE ROAD SUITE 200 VIENNA, VA 22182-3817			KENNEDY, JOSHUA T	
			ART UNIT	PAPER NUMBER
			3679	

DATE MAILED: 10/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/773,573

Applicant(s)

KOJIMA ET AL.

Examiner

Joshua T. Kennedy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
- 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
- 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claims 1-20 have been examined

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Yasuda (U.S. Patent No. 5,740,640).

As to Claim 1. Yasuda discloses a securing clip capable of securing a first panel member with a second panel member, comprising:

a first fitting portion (11) having the U-character shape capable of fitting a holed end portion of the first panel member; and

a second fitting portion having the U-character shape capable of fitting a holed end portion of the second panel member (Examiner considers the second fitting portion to be formed by the U-character shaped space between elements 10 and 20), wherein:

the securing clip being like the S-character in cross section (Fig. 1); and

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each of the first fitting portion and the second fitting portion is formed with an engaging pawl (11a and 14, respectively) engaging a hole at the end portion of the corresponding panel member on an inner wall face of its own, and the second fitting portion is formed with an engagement wall (12; Examiner considers the front edge of the outer engagement pieces, opposite of ledges 18a and 18b, to be engagement walls capable of engaging a regulation wall) engaging a regulation wall provided on the second panel member.

As to Claim 2. Yasuda discloses the engagement wall existing in bilateral symmetry around the hole at the end portion of the second panel member (Fig. 1; Each member 12 are symmetrical about the central axis of the clip).

As to Claims 3 and 4. Yasuda discloses an engagement face of the engagement wall capable of engaging the regulation wall being inclined with respect to a central axis of the hole at the end portion of the second panel member (Fig. 1; Examiner considers the front portion of 12 to form an incline).

As to Claims 5-7. Yasuda discloses a detachment grip portion (26a) capable of detaching the securing clip from the second panel member.

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As to Claims 8-11. Yasuda discloses a rib wall being protruded on an inner wall face of the second fitting portion (considered to be the protruded portion of the second fitting portion engaging 27 in Fig. 2).

As to Claims 12 and 13. Yasuda discloses said engagement wall is inclined such that said engagement wall is capable of being wedged into contact with the second panel member upon abutting the regulating wall of the second panel member (Fig. 1; Examiner considers the front portion of 12 to form an incline).

As to Claim 14. Yasuda discloses a securing clip for securing a first panel having a hole to a second panel having a hole and a regulating wall, the securing clip comprising:

- a first U-shaped fitting (11) comprising a first engaging pawl (11a) on an inner wall of the first U-shaped fitting capable of engaging the hole in the first panel; and

- a second U-shaped fitting comprising (Examiner considers the second fitting portion to be formed by the U-character shaped space between elements 10 and 20),:

- a second engaging pawl (14) on an inner wall of the second U-shaped fitting capable of engaging the hole in the second panel; and

- an engagement wall (12; Examiner considers the front edge of the outer engagement pieces, opposite of ledges 18a and 18b, to be engagement walls capable of engaging a regulation wall) capable of engaging the regulation wall on the second panel, wherein the first U-shaped fitting and the second U-shaped fitting form an S-shaped cross-section.

As to Claim 15 and 16. Yasuda discloses the engagement wall (12; Examiner considers the front edge of the outer engagement pieces, opposite of ledges 18a and 18b, to be engagement walls) comprising a pair of engagement walls symmetrically positioned around said second engaging pawl (Fig 2 shows an engagement wall on either side of the pawl 14).

As to Claim 17. Yasuda discloses the engagement wall comprising an engagement face that is inclined with respect to an axis of said hole in said second panel (Fig. 1; Examiner considers the front portion of 12 to form an incline).

As to Claim 18. Yasuda discloses a detachment grip (26a) capable of detaching the securing clip from the second panel.

As to Claim 19. Yasuda discloses a rib wall on an inner wall face (considered to be the protruded portion of the second fitting portion engaging 27 in Fig. 2).

As to Claim 20. Yasuda discloses said engagement wall (12; Examiner considers the front edge of the outer engagement pieces, opposite of ledges 18a and 18b, to be engagement walls) being inclined such that contact with the regulating wall of the second panel being capable of resisting removal of said second panel from said second fitting.

Response to Arguments

Applicants' arguments filed 9/20/2005 have been fully considered but they are not persuasive.

At the outset, applicants should note that 37 CFR 1.104(c)(2) refers to complex references. Applicants' invention is drawn to a simple securing clip and so is the applied reference. The examiner's rejection clearly referenced Figure 1 of Yasuda. Accordingly, it is not clear what about the Yasuda reference could not be understood. Note that disagreement with a rejection is not a proper basis in the determination of whether or not sufficient explanation has been provided and the detailed extent of the explanation provided is not determinative of the propriety of the rejection.

As to Claim 1, Applicant argues that:

The Yasuda reference clearly does not teach or suggest the features of the claimed invention including: 1) a second fitting portion having the U-character shape for fitting a holed end portion of the second panel member; 2) each of the first fitting portion and the second fitting portion-is formed with an engaging pawl engaging a hole at the end portion of the corresponding panel member on an inner wall face of its own; and 3) the second fitting portion is formed with an engagement wall engaging a regulation wall provided on the second panel

member as recited by, for example, independent claim 1. (emphasis by applicants)

Examiner respectfully disagrees as to Claim 1. First of all, patentability of the product claim is based on the product structure and not how it is intended to be used. Second, the clip of Yasuda clearly possesses a second fitting portion that is U-shaped. Perusal of Figure 1 of Yasuda clearly illustrates that such is shown by the upper portion of clip 17. In other words, the "U" is clearly evident from the end view thereof wherein body 10 defines one leg of the "U", piece 12 defines the other leg of the "U" and the connecting web there between (unnumbered) defines the interconnecting base of the "U". Third, the first and second panel members are inferentially recited as intended use (see "for", line 1) and are otherwise not a part of the claimed clip. If applicants desire for the entire combination, including first and second panel members with their associated panel structure, to be considered, then the claims should be appropriately amended

As to Claims 5-7, Applicants argue that:

the Yasuda reference clearly does not teach or suggest a detachment grip portion for detaching the clip from the second panel member (emphasis added by applicants).

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Examiner respectfully disagrees. As advanced above, this argument is based upon the intended use of the clip, not the structural limitations of the clip.

As to Claims 8-11, Applicant argues that:

The Yasuda reference does not teach or suggest a rib wall on an inner wall face of a second fitting portion (emphasis added by applicants).

Examiner respectfully disagrees. As is in any S-character shaped cross-section, the outer wall of the lower engagement piece 11 *is* the inner wall face of the upper engagement piece. Hence, the rib wall is on an inner wall face of the second fitting portion.

Finally, it is noted that applicants have added new claims 12-20. However, no argument for the patentability of the claims has been provided. Note that 37 CFR 1.111(b) requires that any reply must present arguments pointing out the specific distinctions believed to render the claims, including newly presented claims, patentable over the applied reference.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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U.S. Patent No 3,858,370 to Halstead cited to show a similar S- shaped clip comprising a first and second fitting portion formed with engaging pawls, a bilateral engagement wall and detachment grip.

U.S. Patent No 4,408,939 to Graff, et al cited to show a similar S- shaped clip comprising a first and second fitting portion formed with engaging pawls, a bilateral engagement wall and detachment grip for use in the production of automobiles.

U.S. Patent No 5,347,690 to Mansoor, et al cited to show to show a similar S- shaped clip comprising a first and second fitting portion formed with engaging pawls, a bilateral engagement wall and detachment grip for use in the production of automobiles.

U.S. Patent No 5,409,198 to Roick cited to show a similar S- shaped clip comprising a first and second fitting portion formed with engaging pawls, a bilateral engagement wall and detachment grip.

U.S. Patent No 6,327,758 to Petrakis cited to show a similar S- shaped clip comprising a first and second fitting portion formed with engaging pawls, a bilateral engagement wall and detachment grip.

U.S. Patent No 6,691,374 to Coyne cited to show a similar S- shaped clip comprising a first and second fitting portion formed with engaging pawls, a bilateral engagement wall and detachment grip.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua T. Kennedy whose telephone number is 571-272-8297. The examiner can normally be reached on M-F: 7am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JTK
9/28/2005

A handwritten signature in black ink that reads "Daniel P. Stodola". The signature is fluid and cursive, with the first name "Daniel" being more prominent than the last name "Stodola".

DANIEL P. STODOLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600